

CALL TO ORDER

Deputy Mayor Severino opened the meeting at 7:00 p.m.

ROLL CALL - Present: Mr. Severino, Mr. Bischoff, Mr. Mazza, Mr. Haynes

Absent: Mrs. Dziubek

Others Present: J. Peter Jost, Esq., Kevin Smith, Twp. Engineer, Grace Brennan, CFO and Ella M. Ruta, Township Clerk.

“Sunshine Law” Announcement: Adequate notice of this public meeting has been provided by the Annual Notice; mailed electronically to the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk’s Office.

FLAG SALUTE**APPROVAL OF MINUTES**

- a. Regular and Executive Session Meeting Minutes of March 18, 2009.

Mr. Bischoff made a motion to approve the said minutes. Mr. Mazza seconded the motion. Vote – Ayes: Mr. Severino, Mr. Bischoff, Mr. Mazza. Abstained: Mr. Haynes. Motion carried.

- b. Special Budget Workshop Meeting – Regular and Executive Session Minutes of March 19, 2009.

Mr. Bischoff corrected a typo to “were” instead of “was” the Roll Call in the minutes.

Mr. Bischoff made a motion to approve the said minutes. Mr. Mazza seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza. Motion carried.

VISITORS

- a. Mr. Max Spann, Jr. – gave a presentation on services of the Max Spann Auction Company. The company’s expertise is marketing real estate at auction. One of their specialties has been in the sale of agriculturally oriented properties. The Twp. Attorney and the Committee asked various questions regarding details of auctioning municipal property.
Pat Lingelbach, UT resident inquired about bid rejection and commission.
The Committee thanked Mr. Spann for his informative presentation.

REPORTS RECEIVED

- a. Road Dept.- Week Ending 3/13/09; 3/20/09

– Mr. Bischoff inquired if there was more damage from snow plowing this year than usual. He said that he received several resident complaints about lawn damage. Once the ground thawed out the damage had been fixed, Mr. Mazza stated.

CORRESPONDENCE

Mr. Bischoff mentioned the following correspondence:

- NJLM – Sample Resolution Honoring Troops. Clerk noted that the resolution had been done.
- NJDEP – Re: Open Space and Recreation Plan.

- NJDEP – NJDOT Municipal Aid, Bikeway, Centers of Place, Transit Village, and Safe Streets to Transit Programs. Grants are available each year toward projects mentioned.
- HC Dept of Human Services – Re: Recognizing and Celebrating Older Americans Month w/Proclamation. Recommended adopting at the next meeting.
- Public Alliance Ins. Coverage Fund (PAIC) – Survey of Townships Facilities and Playground.
- Alex DeCroke-General Assembly of NJ – Resolution Opposing 2010 State Budget.

RESOLUTION #2009-66**UNION TOWNSHIP, HUNTERDON COUNTY****RESOLUTION IN OPPOSITION TO GOVERNOR CORZINE'S FY 2010 STATE BUDGET**

WHEREAS, over the past seven years, New Jersey's tax burden has become so oppressive that it is driving tens of thousands of hard working middle class families out of our state each year; and

WHEREAS, more than 230,000 people have left New Jersey for more tax-friendly states from 2002 to 2006 due to the ever increasing cost of property taxes, and

WHEREAS, during the last seven years property taxes on average has risen almost 55% statewide, and by 20% since Governor Corzine has been in office, and

WHEREAS, this budget will further hurt property tax payers by reducing non-senior homestead rebates for those earning between \$50,000 and \$75,000, and

WHEREAS, the proposed budget cuts municipal aid by \$31.2 million, which will put additional pressure on local property taxes, and

WHEREAS, according to a leading economist, the enactment of the FY 2010 state budget will cost the average taxpayer about \$1,700 a year, and

WHEREAS, Governor Corzine's FY 2010 budget spends too much of our hard earned tax dollars; and when the \$2 billion in federal "stimulus" funds are included this budget will exceed last year's \$32.8 billion, and

WHEREAS, since 2002, 104 new taxes have been instituted, and this budget will continue this trend, by increasing taxes on payroll, income, cigarettes, alcohol, lottery winnings and increasing DMV fees, for a total of \$1 billion, and

WHEREAS, the governor's budget cuts, particularly his average 2% reduction in municipal aid statewide, will further shift the tax burden from the state to local property taxpayers and make our state even more unaffordable; and

WHEREAS, this budget is a collection of broken promises and a total abandonment of New Jersey's middle class, and

THEREFORE BE IT RESOLVED, that we voice our objections to Governor Corzine's FY 2010 State Budget and demand no additional tax increases, an increase in municipal aid and the re-instatement of the property tax deduction, and

A certified copy of this resolution shall be sent to Governor Jon S. Corzine, Assembly Speaker Joseph Roberts, Senate President Richard J. Cody, Senate Minority Leader Tom Kean, Jr., Assembly Minority Leader Alex DeCroke and all state legislators representing our legislative district.

Mr. Bischoff made a motion and Mr. Mazza seconded to adopt above resolution. Vote: Ayes – Mr. Bischoff. Nays – Mr. Haynes, Mr. Severino, Mr. Mazza. Motion Defeated.

Mr. Severino mentioned the following correspondence:

- NJDEP – Clean Communities Entitlement. \$9,548.65 received for Clean Communities Program. The bulk of last year's money spent was on bulk containers and miscellaneous items for recycling. Grace Brennan, CFO, explained the different amount in the 2009 budget.
- NJLM – Bills A-3772 & S-2577 Conversion of Age-Restricted Housing. Allows for previously age restricted units to be converted to starter homes with no age restrictions. It upsets the balance that municipalities strive for and the burden on the school systems that equates to higher property taxes, which directly affects Union Township that has an age restricted development in town. Mr. Severino asked that the letter be sent to Governor Corzine in opposition.

Mr. Mazza made a motion and Mr. Bischoff seconded to send a letter to Governor's Office opposing the above Bills. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Mazza, Mr. Bischoff. Motion Carried.

Atty. Jost will draft the letter and copy the Committee.

Mr. Mazza mentioned the following correspondence:

- Public Alliance Insurance Coverage Fund. Insurance representative inspected parks and playground and in a report outlined three items that are not up to safety standards. Mr. Mazza will contact the provider of the rubber mulch for suggestions.

PUBLIC COMMENTS

Pat Lingelbach wanted to say "thank you" to the members who worked on the Scenic Byway. It won the award for Hunterdon County. Congratulations expressed by the Committee members.

PUBLIC HEARING – 2nd reading

OLD BUSINESS

- a. The following resolution was tabled for adoption:

**RESOLUTION 2009-
Animal Control Service Contract**

Atty. Jost briefly clarified details regarding appointment of Tracy Fleming as the Animal Control Officer. Mr. Jost asked that she be appointed temporarily until all issues are resolved. Grace Brennan suggested entering into shared services if Ms. Fleming is providing services to other local municipalities.

Mr. Bischoff made a motion to retain Tracy Fleming as the Temporary Acting Animal Control Officer, an independent contractor at the rate of \$5,000 per year pending amendment to the Salary Ordinance and the finalization of the contract with Kingwood Township. Mr. Mazza seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza. Motion Carried.

NEW ORDINANCE – 1ST Reading

PLEASE TAKE NOTICE that the following Ordinance was adopted on first reading by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, at a meeting held on the 1st day of April, 2009. The Ordinance was then ordered to be published according to law. Notice is hereby given that said Ordinance will be considered for final passage at a public hearing to be held on the 6th day of May, 2009 at 7:00 p.m., or as soon thereafter as the matter may be reached, at the Union Township Municipal Building, 140 Perryville Rd., Hampton, N. J., at which time all interested parties will be heard.

ORDINANCE #2009-2

CALENDAR YEAR 2009

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING
ALLOWANCE
AND TO ESTABLISH A CAP BANK
WHEN THE COLA IS EQUAL TO OR LESS THAN 2.5 PERCENT
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. A. 40A:4-45.1 *et seq.*, provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% or the Cost-of-Living Adjustment (COLA), whichever is less, over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.14 provides that a municipality may, in any year in which the COLA is equal to or less than 2.5% increase its final appropriations by a percentage greater than the COLA, but not to exceed the 3.5% rate as specified in the law, when authorized by ordinance; and,

WHEREAS, the COLA for 2009 has been certified by the Director of the Division of Local Government Services in the Department of Community Affairs as 2.5% and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, in any year in which the COLA is equal to or less than 2.5%, may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Union in the County of Hunterdon finds it advisable and necessary to increase its 2009 budget by more than 2.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 1.0% increase in the budget for said year, amounting to \$22,936.92 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Union, in the County of Hunterdon, a majority of the fully authorized membership of this governing body affirmatively concurring, that, in the 2009 budget year, the final appropriations of the Township of Union shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5% amounting to \$80,279.22 and that the 2009 municipal budget for the Township of Union be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mr. Mazza made a motion to adopt the above ordinance on 1st reading. Mr. Bischoff seconded the motion. Vote: - Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza. Motion Carried.

NEW BUSINESS

a. The following resolution introduced for adoption:

RESOLUTION #2009-67 DEFERRED SCHOOL TAX

WHEREAS, the provisions of C. 63, P.L. 1991 (The Supplemental Municipal Property Tax Relief Act) under Section 13 required municipalities whose school tax year is on a fiscal basis to defer twenty-five (25) per cent of the maximum allowable amount and anticipate it into their budget over a four (4) year period beginning in budget year 1991, and ending in budget year 1994 as additional Municipal surplus to offset the local property tax levy for local purposes; and

WHEREAS, the provisions of C. 63, P.L. 1991 were amended in calendar year 1993 that changed the mandatory provision of the use of this deferred school tax to a permissive provision; and

WHEREAS, the revised provisions for electing to utilize the deferred school tax require the governing body to make such election by introduction of the municipal budget.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union that election be made to defer school taxes as of December 31, 2008, and be reflected in the Annual Financial Statement for the year 2008 as follows:

	<u>FY-08-09 SCHOOL LEVY</u>	<u>MAXIMUM AMOUNT OF DEFER TAX</u>
Local District School Tax	\$8,890,608.00	\$4,445,304.00
Regional High School Tax	4,719,415.19	<u>2,359,707.60</u>
 TOTAL MAXIMUM DEFER TAX		 <u>\$6,805,011.60</u>
 ACTUAL DEFERRED TAX 12/31/07		 4,390,296.00
 ACTUAL DEFERRED TAX 12/31/08		 <u>4,740,296.00</u>
 INCREASE IN DEFERRAL AT 12/31/08		 <u>\$ 350,000.00</u>

Mr. Mazza made a motion to adopt the above resolution. Mr. Haynes seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza. Motion Carried.

b. The following resolution was introduced for adoption:

RESOLUTION #2009-68

RESOLUTION FOR CONDUCTING ANNUAL BUDGET EXAMINATION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Township of Union has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township meets the necessary conditions to participate in the program for the 2009 budget year, so now therefore

BE IT RESOLVED, by the Mayor and Township Committee of the Township of Union that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that

failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

CERTIFICATION OF APPROVED BUDGET

It is hereby certified that the Approved Budget complies with the requirements of law and approval is given pursuant to N.J.S.A. 40A:4-78(b) and NJAC 5:30-7.

It is further certified that the municipality has met the eligibility requirements of NJAC 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with NJAC 5:30-7.6.

Dated

Chief Financial Officer

By: _____

Mr. Bischoff made a motion to adopt the above resolution. Mr. Mazza seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza. Motion Carried.

- c. The following resolution was introduced for adoption:

RESOLUTION #2009-69

UNION TOWNSHIP, HUNTERDON COUNTY Resolution Introducing by Title/Approving the 2009 Municipal Budget

WHEREAS, the Township of Union is holding a meeting on April 1, 2009 for the purpose of introducing the 2009 Municipal Budget and conducting other matters; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Union, Hunterdon County, new Jersey, that the Township of Union hereby petitions the Director of the Division of Local Government Services that the 2009 Local Municipal Budget be introduced and approved on April 1, 2009.

2009 UNION TOWNSHIP BUDGET

Surplus Anticipated General Revenues	\$ 898,000.00
Total Miscellaneous Revenue	4,515,551.90
Amount to be Raised by Taxes	1,249,636.42
Receipts from Delinquent Taxes	<u>275,000.00</u>
Total General Revenues	<u>\$6,938,188.32</u>
Operation Expenses: Salaries & Wages	\$ 745,779.00
Other Expenses	1,422,831.72
Deferred Charges & Other Appropriations	122,537.00
Capital Improvements	1.00
Debt Service	4,226,039.60
Judgments	0.00
Reserve for Uncollected Taxes	<u>421,000.00</u>

Total Municipal Budget \$6,938,188.32

Mr. Mazza made a motion to adopt the above resolution. Mr. Bischoff seconded. Vote – Ayes: Mr. Severino, Mr. Bischoff, Mr. Mazza. Nays: Mr. Haynes. Motion Carried.

d. The following resolution was introduced for adoption:

**RESOLUTION 2009-70
UNION TOWNSHIP, HUNTERDON COUNTY
2009 TEMPORARY BUDGET**

WHEREAS, the 2009 budget has been introduced but not finally adopted, and an emergent condition has arisen with respect to the 2009 temporary budget and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2009 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$599,209.93,

NOW, THEREFORE BE IT RESOLVED that in accordance with the provisions of N.J.S. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for the temporary budget 2009 in the amount of \$599,209.93
2. That said emergency temporary appropriation will be provided for in the 2009 budget.

EMERGENCY TEMPORARY APPROPRIATIONS 2009

	SALARIES	OTHER EXPENSES
General Administration		\$7,500.00
Mayor & Township Committee	\$6,000.00	
Municipal Clerk	\$15,000.00	
Finance Administration	\$15,000.00	\$2,000.00
Audit Services		\$10,000.00
Computerized Data Processing		\$7,500.00
Revenue Admin. Tax Collection	\$10,000.00	\$2,500.00
Assessment of Taxes	\$10,000.00	\$4,500.00
Legal Services	\$-	\$39,859.93
Engineering Services		\$10,000.00
Planning Board	\$8,000.00	\$20,000.00
Zoning Board of Adjustment	\$2,000.00	\$-
Construction Official	\$15,000.00	\$2,000.00
Building Sub Code Official	\$15,000.00	\$-
Fire Sub Code Official	\$3,000.00	\$-
Unemployment Insurance		\$500.00
Liability Insurance		\$30,000.00
Worker Compensation Insurance		\$20,000.00
Employee Group Insurance		\$42,000.00
Office of Emergency Management	\$3,000.00	\$750.00
911 Coordinator	\$500.00	
Aid to Volunteer Fire Companies		\$2,500.00

Aid to Volunteer Fire Companies Adj.		\$2,500.00
Contribution to First Aid Org.		\$2,500.00
Fire Hydrant Service		\$1,000.00
Municipal Prosecutor	\$5,000.00	
Streets & Roads	\$50,000.00	\$50,000.00
Solid Waste Collection	\$3,000.00	\$25,000.00
Sewer Rent Charges		\$25,000.00
Buildings and Grounds		\$20,000.00
Public Health Services		\$-
Environmental Health Services	\$-	\$1,500.00
Animal Control Services	\$2,000.00	\$2,000.00
Contribution to Social Services		\$2,000.00
Recreation Services & Programs		\$12,000.00
Maintenance of Parks	\$3,500.00	\$6,000.00
Celebration of Public Events		\$2,000.00
Electricity		\$4,000.00
Street Lighting		\$5,000.00
Telephone		\$4,000.00
Fuel Oil		\$500.00
Gasoline Diesel Fuel		\$5,000.00
Municipal Court	\$25,000.00	\$11,000.00
Public Defender	\$-	\$600.00
Fair Share Housing		\$-
LOSAP		\$-
Social Security	\$-	\$25,000.00
Total	\$191,000.00	\$408,209.93
Total Temporary Budget 2009		\$599,209.93

Mr. Bischoff made a motion to adopt the above resolution. Mr. Mazza seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza. Motion Carried.

e. The following resolution was introduced for adoption:

RESOLUTION #2009-71

UNION TOWNSHIP, HUNTERDON COUNTY RESOLUTION OF GOVERNING BODY Approval of the Notice of Tort Claim

WHEREAS, the Public Alliance Insurance coverage Fund is authorized by statute to provide insurance coverage for local units of government who are desirous of same;

WHEREAS, the Township of Union, Hunterdon County, New Jersey is a member of the Public Alliance Insurance Coverage Fund;

WHEREAS, N.J.S.A., 59:8-6 authorized public entities to require information in addition to that specified in N.J.S.A. 59:8-4 for the proper investigation and/or resolution of such claims; and

WHEREAS, the Public Alliance Insurance Coverage Fund has recommended that each of the participating public entities adopt and approve a Notice of Tort claim form in the form attached to this resolution;

NOW, THEREFORE, BE IT RESOLVED by the Union Township Committee of the Township of Union that:

1. The Township of Union hereby adopts and approves the attached Notice of Claim form pursuant to N.J.S.A. 59:8-6;
2. Nothing in this resolution shall be construed as invalidating any Notice of Claim form authorized by the Township of Union and/or the Public Alliance Insurance Coverage fund prior to the implementation of this resolution.

Mr. Bischoff made a motion to adopt the above resolution. Mr. Mazza seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza. Motion Carried.

Atty. Jost recommended that we amend existing ordinance containing Tort Claim Notice.

f. **Motion to Approve:** 2009 Junkyard License – Cozze Brothers LLC

Township Engineer stated that the site was inspected with the Zoning Officer and his recommendation was to approve.

Mr. Mazza made a motion to approve the above Junkyard License. Mr. Bischoff seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza. Motion Carried.

g. **Motion:** SPS (Telephone System) Maintenance Service Agreement – One Year

Mr. Mazza made a motion to approve the above SPS Maintenance Service Agreement. Mr. Bischoff seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza. Motion Carried.

h. **Motion:** SPS (Telephone System) Training – Partner Messaging

Mr. Mazza made a motion to approve the above SPS Training. Mr. Bischoff seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza. Motion Carried.

EXECUTIVE SESSION – the following resolution was introduced for adoption:

RESOLUTION 2009-72

Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12

WHEREAS, the Township Committee of the Township of Union is subject to certain requirements of the *Open Public Meetings Act*, N.J.S.A. 10:4-6, et. seq.; and

WHEREAS, the *Open Public Meetings Act*, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Township Committee of the Township of Union to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

MINUTES OF REGULAR MEETING April 1, 2009

1. _____ *Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege:* Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is require in order for the attorney to exercise his ethical duties as a lawyer.
2. _____ *Matters Relating to the Employment Relationship:* Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, assembled in Executive session on April 1, 2009, at 8:15 p.m. in the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Mr. Bischoff made a motion to adopt the above resolution. Mr. Mazza seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza. Motion Carried.

Grace Brennan left at 8:15 p.m.

At 8:55 p.m., Mr. Bischoff made a motion to come out of the Executive Session. Mr. Mazza seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza. Motion Carried.

14. REPORTS

- a. **Engineer's Report** – a written copy of the report has been submitted with following topics:

Pilot Travel Centers – Engineer Smith stated that a couple of weeks ago the Committee considered the Developers Agreement and Stormwater Facilities Management Agreement and they conditioned the approval of those documents upon Pilot getting their NJDOT major access permit, because at that time Pilot said the permit was imminent. Pilot did receive their permit. They first received a draft of it and managed to satisfy the conditions of the permit. The Twp. Engineer saw copies of it last Friday. At this point it appears Pilot has satisfied the conditions. Engineer Smith said that if the Committee considers acting on those agreements this evening it would be incumbent on him to do one final check. He would have to ensure that conditions of the resolution granting site plan approval have been satisfied before preparing a Notice to Proceed.

Atty. Jost asked that the applicant's Atty. Scott Carlson answer questions about the DOT Access permit. Atty. Jost questioned the last sentence of the permit, which states that it is not valid until the plans are approved by the NJDOT. It was previously indicated to Mr. Jost that the plans had in fact been approved by NJDOT. Atty. Jost noted on record the number of conditions of the permit, he said the proposed terminus of the radii of the Route I-78 exit ramp is acceptable and it should be incorporated into the plans. Atty. Jost asked of Mr. Carlson if he was indicating that Federal highway approval will be sought in the Major Access Permit Unit. The requirements to include this work will be a condition of the permit approval with the caveat that should the FHMA require extraordinary justification, it may be eliminated from the work required in the permit at the department's sole discretion. Atty. Jost said it is a strange condition that might

be eliminated at some point in the future. He said that there have been concerns expressed by the Planning Board about a potential traffic situation in front of Pilot.

Mr. Bischoff raised an issue about the safety barrier, which now has been eliminated from the approval given by NJDOT. Atty. Carlson said that it was never added. The Township offered the feasibility of a safety barrier. They examined and concluded it was not feasible. Mr. Bischoff said that the Township believes it can be feasible. The Township, Pilot and NJDOT had worked on it before. Mr. Bischoff asked that Pilot continue to work with the Township on this very important issue. Atty. Carlson agreed and offered the support, but he felt that the issue is primarily between the Municipality and NJDOT.

Mr. Bischoff said the Township would enlist Pilot's assistance in this matter. Mr. Carlson said they would. Mr. Bischoff asked that Pilot attend Township meetings as necessary to do that. Mr. Carlson replied in the affirmative. Atty. Jost noted that Cathy Adkins is nodding in agreement in the front row. Mr. Bischoff said he feels there is a legitimate basis for changing the perspective regarding safety of the traffic and believes the importance of it worth the extra effort.

Atty. Jost recommended the Deputy Mayor sign the Developers Agreement approved at the last meeting.

Mr. Mazza made a motion authorizing the Mayor or Deputy Mayor to sign the Developers Agreement with Pilot Travel Centers, LLC on behalf of Union Township. Mr. Bischoff seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza.

Atty. Jost said that with regard to the Notice to Proceed, Engineer Smith will review files, that all items contained in the resolution granting site plan approval are completed and if all is in order, will issue the Notice to Proceed on April 2, 2009.

- Spoke with County Engineer's Office regarding Truck stop entrance sign. The Engineer will pursue with Pilot. There are no weight restrictions on the bridge over the Mulhockaway Creek.
- Van Syckles Road Drainage Improvements.
- Maintenance & Repair-2008-Maintenance Guarantee – Prepared form letter putting contractor on notice and requesting meeting.
- Maintenance & Repair - 2009
- Annual Stormwater Report to the State - No immediate action at this time.
- NJDOT Local Aid Application – Look for viable projects

b. Attorney's Report

- All issues covered.

c. Mayor's Report – Not present at the meeting; Deputy Mayor Severino reported the following:

- Request from Lisa Kastrud. The PTA would like to hold their musical and art festival at Finn Park on Friday, May 29th from 7:15 p. m. to 8:15 p.m. Issue briefly discussed. Ms. Kastrud to be contacted to provide and discuss details of event.

d. COMMITTEE REPORT

Mr. Haynes reported the following: None

Mr. Mazza reported the following:

- Request from Road Dept. for pipe and installation of drainage on Gravel Hill Road. Material for proposed French drain on Gravel Hill Road not to exceed \$2,500.

Mr. Mazza made a motion to purchase material for proposed French drain on Gravel Hill Road, cost not to exceed \$2,500. Mr. Haynes seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza. Motion Carried.

- Road Dept. requested purchase of a Spreader with side conveyer. No final decision reached.

Mr. Bischoff reported the following:

- Mr. Bischoff's quote "The Government which robs Peter to pay Paul can always depend on the support of Paul"
- Comcast taping dates, no interest.
- Sue Dziamara has two vacancies on the Hunterdon Planning Board. Interested persons from Union or Bethlehem Townships can obtain further information from the Hunterdon County Website.
- Spoke with Mr. Baily, CW Consulting, concerning availability of Township property for Verizon communication tower. Matter discussed by Committee and determined that there are no properties available in the Township.
- The Democrat reported that Alexandria Township is looking for municipal offices. Mr. Bischoff suggested Union Township explore the possibility to lease downstairs floor of UT municipal offices. Mr. Mazza will follow up this matter.

Mr. Severino reported the following: No report

e. Clerk's Report

- Raffle License #2009-15; South Branch Watershed Association; Off Premise 50/50; 5/16/09

Mr. Bischoff made a motion to approve Raffle License #2009-15. Mr. Mazza seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza. Motion Carried.

- Application for Field Use at Finn Road Park – US Sports Institute

Need to have Recreation Committee approval in writing. Tabled until next meeting.

- Reimbursement request for registration fee for a Building Conference – Fire Sub Code Official.

Consistent with the plans to disband the Construction Dept., Mr. Bischoff made a motion to deny above request. Mr. Mazza seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff. Abstain – Mr. Haynes. Nay – Mr. Mazza. Motion carried.

- Work Hours Reduction – Construction Dept. Secretary, Municipal Registrar

Mr. Bischoff made a motion to accept the resignation of Darlene Beam, send a complimentary letter thanking her for seven years of service. Mr. Mazza seconded. Vote: Motion carried by unanimous favorable roll call vote.

- Approval of funding to TCTA Conference, May 18-21, 2009 – Tax Collector/Treasurer

Discussion of submission requirements for all certifications.

Mr. Mazza made a motion to approve the funding for the above, subject to verification of needing credits. Mr. Bischoff seconded. Vote: Ayes – Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza. Motion Carried.

PUBLIC COMMENTS

- Brian Kirkpatrick, Planning Board Chairman, thanked the Committee for their support of traffic control at Pilot. He voiced his concern with regarding the impact of tractor trailer trucks as it pertains to traffic flow and safety.

PAYMENT OF THE BILLS

Mr. Haynes moved that all claims against the Township of Union as appearing in the Claims Register of this date be paid and that all checks listed hereinafter be issued in payment thereof. Mr. Mazza seconded. Vote: Ayes - Mr. Haynes, Mr. Severino, Mr. Bischoff, Mr. Mazza. Motion Carried.

ADJOURNMENT – There being no further business to come before the Township Committee at this time, Mr. Mazza made a motion to adjourn. Mr. Haynes seconded the motion. Motion carried by unanimous favorable roll call vote.

Meeting adjourned at approximately 9:55 p.m.

Respectfully submitted,

Ella M. Ruta, RMC
Municipal Clerk